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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/405,628 | 09/24/1999 | ODD N. ODDSEN JR. | 3757.3003 | 9699 |

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EXAMINER

BAXTER, GWENDOLYN WRENN

| | |
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| ART UNIT | PAPER NUMBER |
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3632

DATE MAILED: 04/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/405,628

Applicant(s)

ODDSEN, ODD N.

Examiner

Gwendolyn Baxter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25,29-74,89-107 and 172 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☒ Claim(s) 1-25,29-74 and 172 is/are allowed.

- 6) ☒ Claim(s) 89-107 is/are rejected.

- 7) ☐ Claim(s) _____ is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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This is the third office action for serial number 09/405,628, Arm Apparatus for Mounting Electronic Devices, filed on September 24, 1999.

Claim Rejections - 35 USC § 103

Claims 89-98 and 104-107 are rejected under 35 U.S.C. § 103 as being unpatentable over applicant's prior art of Figures 4A and 4B, hereinafter referred to as prior art. The prior art teaches an upper channel comprising a body (60, 62) having a first and second rollers (66) at a first and second ends, respectively. The body includes a threaded hole (found within the nut which appears to be attached to the body). A ball stud (72) threadedly mounted to the threaded hole. A gas spring rotatably attached to the ball stud (page 5, lines 5-7). The rollers have holes located at a respective axial centerline. Figures 5A and 5B illustrates a lower channel (16). The lower channel comprises a body (78, 80) having a first and second rollers (84). However, the prior art of record fails to teach the body and rollers being integrally cast or interlocking molding, threaded hole are integrally cast and the body being formed of zinc material.

Regarding claim 89, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the body and rollers and the nut and the body into one piece, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art and since this formation would eliminate the need for the nut. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893). Additionally, it would have obvious to one having ordinary skill in the art at the time of

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the invention was made to have made to use the method of casting in opposed to welding two or more pieces, since applicant employs the use of the casting process for the end cap shaft and the end cap (page 3, line 6-9) and is aware of its benefit of providing a rigid connection, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have made the body and rollers and the threaded hold and the body integrally cast as taught by the prior art for the purpose of increasing the rigidity of the structure. Furthermore, it would have been obvious to one having ordinary skill in the art to have substituted the interlocking molding process for casting process as taught by the prior art as a merely functional equivalent processes for the purpose of making the apparatus stronger.

Claims 99-103 are rejected under 35 U.S.C. § 103 as being unpatentable over applicant's prior art of Figures 5A and 5B, and in view of U.S. Patent No. 6,095,468 to Chirico. The prior figures 5A and 5B teaches the limitations of the base claim, excluding the lower channel having a cable aperture formed in the body and the aperture having a cover. Chirico teaches an arm having a cable aperture (147) located in the lower surface of the body for routing electrical lines therethrough. A removably attachable cover (148) is placed over the aperture concealing the aperture. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have modified the lower channel of the arm as taught by the prior art figures 5A and 5B to have incorporated the aperture and cover as taught by Chirico for the purpose of routing and concealing cabling.

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It would have been an obvious matter of design choice to have modified the size of the aperture as taught by the prior art view of Chrigo, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Response to Arguments

Applicant's arguments with respect to claims 89- 107 have been considered but are moot in view of the new grounds of rejection.

Allowable Subject Matter

Claims 1-25, 29-74 and 172 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: applicants filing of a terminal disclaimer overcomes the rejection of claims 1-25 and 29-74.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is (703) 308-0702. The examiner can normally be reached Monday-Friday from 7:00 A.M. to 3:30 P.M. Eastern Time Zone.


Any inquiry of a general nature or relating to the status of this application should be


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directed to the Group receptionist whose telephone number is (703) 308-1113. The fax phone number for this Group is (703) 305-3597.


Gwendolyn Baxter
April 19, 2002


RAMON O. RAMIREZ
PRIMARY EXAMINER
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